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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DARSHAN SINGH,)
Plaintiff,) No. C 07-4824 MHP
v.) ANSWER
EMILIO T. GONZALEZ, Director,)
U.S. Citizenship and Immigration Services;)
EMILIA BARDINI, Director,)
San Francisco Asylum Office, USCIS,)
Defendants.)

19 The Defendants hereby submit their answer to Plaintiff's Complaint for Declaratory Judgment
20 and Injunction.

21 1. Paragraph One consists of Plaintiff's allegations regarding jurisdiction, to which no
22 responsive pleading is required; however, to the extent a responsive pleading is deemed necessary,
23 Defendants deny that this Court has jurisdiction under any of the provisions cited in Paragraph
24 One.
25 2. Defendants admit the allegations in Paragraph Two.
26 3. Defendants admit the allegations in Paragraph Three.
27 4. Defendants lack sufficient information to admit or deny the allegations in Paragraph Four,
28 and on that basis, deny them.

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5. Defendants lack sufficient information to admit or deny the allegations in Paragraph Five, and on that basis, deny them.

6. Defendants lack sufficient information to admit or deny the allegations in Paragraph Six, and on that basis, deny them.

7. Defendants lack sufficient information to admit or deny the allegations in Paragraph Seven, and on that basis, deny them.

8. Defendants lack sufficient information to admit or deny the allegations in Paragraph Eight, and on that basis, deny them.

9. Defendants deny the allegations in Paragraph Nine.

10. Paragraph Ten consists of Plaintiff's conclusions of law for which no answer is required; however, to the extent that such allegations are deemed to require an answer, Defendants deny the allegations contained in this paragraph.

11. Paragraph Eleven consists of plaintiff's conclusions of law for which no answer is required; however, to the extent that such allegations are deemed to require an answer, defendants deny the allegations contained in this paragraph.

The remaining paragraphs consists of Plaintiff's prayer for relief, to which no admission or denial is required; to the extent a responsive pleading is deemed to be required, Defendants deny these paragraphs.

FIRST AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The court should dismiss the Complaint for lack for subject matter jurisdiction.

THIRD AFFIRMATIVE DEFENSE

No acts or omissions by the United States or its employees were the proximate cause of any injury or damages to the Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

At all times alleged in the complaint, Defendants were acting with good faith, with justification, and pursuant to authority.

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FIFTH AFFIRMATIVE DEFENSE

Defendants are processing the application referred to in the Complaint to the extent possible at this time. Accordingly, no relief as prayed for is warranted.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiff, dismissing Plaintiff's Complaint with prejudice; that Plaintiff takes nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: February 14, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
EDWARD A. OLSEN
Assistant United States Attorney
Attorneys for Defendants

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